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In The

Supreme Court of the United States

October Term, 1973

Docket No. 73-566

JOHN P. BAUER,

Petitioner-Appellant,

vs.

STATE OF NEW YORK,

Respondent-Appellee.

SUPPLEMENT TO PETITION FOR A WRIT OF CERTIORARI TO THE NEW YORK STATE COURT OF APPEALS

LAWRENCE K. FEITELL
Attorney for Petitioner-Appellant
1450 Broadway
New York, New York 10018
(212) 279-9381

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SUPPLEMENT TO PETITION FOR A WRIT OF CERTIORARI

This supplement to our petition is respectfully submitted in order properly to complete our papers on this application which, at the time of their docketing on September 27, 1973, were still awaiting the decision of the New York Court of Appeals with respect to our application in that court to amend the remittitur. On page 2 of our main petition herein we advert to the fact that there was then "pending in the New York Court of Appeals petitioner's application to amend the remittitur in this case to state that such court did consider and pass upon petitioner's constitutional claim regarding denial of a speedy trial".

On October 11, 1973, the New York Court of Appeals granted our application as aforesaid. In this supplement to the petition we have set out, in Appendix C, the order of the New York Court of Appeals recognizing that petitioner's Sixth Amendment claim that he was denied his rights to a speedy trial was argued and passed upon in that court.

Supplement to Petition for a Writ of Certiorari

On October 17, 1973, the New York Court of Appeals granted petitioner a stay of execution of his sentence pending determination by this Court of his petition for a Writ of Certiorari.

Respectfully submitted,

Lawrence K. Feitell,
Attorney for Petitioner
1450 Broadway
New York City, New York 10018
(212) 279-9381

APPENDIX C—DECISION COURT OF APPEALS
(Dated October 11, 1973)

Mo. No. 761

The People & c.,
Plaintiff-Respondent,

vs.

John P. Bauer,
Defendant-Appellant.

Motion to amend remittitur granted. Return of remittitur requested and, when returned, it will be amended by adding thereto the following: Upon the appeal herein there was presented and necessarily passed upon the following question under the Constitution of the United States, viz.: Defendant-appellant argued that the four year delay from the time of his indictment to the time of his trial constituted a violation of his right to a speedy trial in contravention of the Sixth Amendment to the United States Constitution. The Court of Appeals held that appellant's constitutional rights were not violated. Motion for a stay denied without prejudice to an application for such relief to a Judge of this Court.